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ONE STATE STREET
SUITE 800
BOSTON MA 02109

In re Application of
Paul Berger, et al.
Application No. 09/857,698
Filed: June 8, 2001
Attorney Docket No. C1043/7032

File Folder	<input checked="" type="checkbox"/>
Client Info Access	<input checked="" type="checkbox"/>
Docket Entry	<input checked="" type="checkbox"/>
Docket Cross Off	<input checked="" type="checkbox"/>
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Application	<input checked="" type="checkbox"/>
Date	10/15/07 (2) 13/02/07

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AUG 13 2007

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 13, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

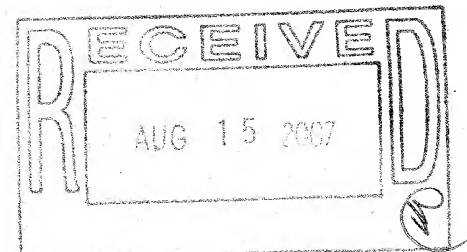
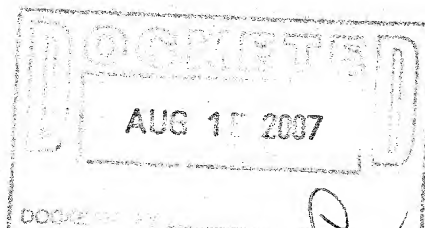
The application became abandoned for failure s to timely pay the issue fees and failure to submit formal drawings on or before February 15, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed November 15, 2007, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on February 16, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) 1.

→ The issue fee has been received. However, there is no indication that corrected formal drawings as required by the Notice of Allowability of November 15, 2006 have been submitted. Accordingly, this application cannot be revived until corrected formal drawings have been submitted.

→ There is no indication that petitioner has submitted a Part B-Fee(s) Transmittal form (PTOL-85). Accordingly, if petitioner desires to have the information normally found thereon printed on the patent, the attached blank Fee(s) Transmittal form should be completed and returned to the Publishing Division along with the renewed petition.

→ Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.



Electronic Acknowledgement Receipt**COPY**

EFS ID:	1681925
Application Number:	09857698 C3/7032050
International Application Number:	
Confirmation Number:	9935
Title of Invention:	DISPLAY DEVICES WITH REFLECTIVITY-INFLUENCING ELECTRODE
First Named Inventor/Applicant Name:	Paul Berger
Correspondence Address:	Finnegan, Henderson, Farabow, Garrett & Dunner - 1300 I Street, NW - Washington DC 20005-3315 US - -
Filer:	Therese A. Hendricks/Judi Williams
Filer Authorized By:	Therese A. Hendricks
Attorney Docket Number:	C1043/7032
Receipt Date:	13-APR-2007
Filing Date:	09-NOV-2001
Time Stamp:	15:57:08
Application Type:	U.S. National Stage under 35 USC 371

Payment information:

Submitted with Payment	yes
Payment was successfully received in RAM	\$ 2900
RAM confirmation Number	389

Deposit Account	023038
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.16 and 1.17	

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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)	Multi Part /.zip	Pages (if appl.)
1		C00037032.pdf	345493	yes	4
Multipart Description/PDF files in .zip description					
	Document Description		Start	End	
	Miscellaneous Incoming Letter		1	1	
	Change of Address		2	2	
	Petition for review by the Office of Petitions.		3	4	

Warnings:

Information:

2	Fee Worksheet (PTO-06)	fee-info.pdf	8333	no	2
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Warnings:

Information:

Total Files Size (in bytes):	353826
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Acknowledgement Receipt

The USPTO has received your submission at **15:57:08** Eastern Time on **13-APR-2007** by Deposit Account 023038.

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\$ **2900** fee paid by e-Filer via *RAM* with Confirmation Number: 389.

You have also pre-authorized the following payments from your USPTO Deposit Account:

Charge any Additional Fees required under 37 C.F.R. Section 1.16 and 1.17

eFiled Application Information

EFS ID	1681925
Application Number	09857698
Confirmation Number	9935
Title	DISPLAY DEVICES WITH REFLECTIVITY- INFLUENCING ELECTRODE
First Named Inventor	Paul Berger
Customer Number or Correspondence Address	Finnegan, Henderson, Farabow, Garrett & Dunner 1300 I Street, NW Washington DC 20005-3315 US
Filed By	Therese A. Hendricks/Judi Williams
Attorney Docket Number	C1043/7032
Filing Date	09-NOV-2001
Receipt Date	13-APR-2007
Application Type	U.S. National Stage under 35 USC 371

Application Details

Submitted Files	Page Count	Document Description	File Size	Warnings
C00037032.pdf	4		345493 bytes	◆ PASS
		Document Description	Page Start	Page End
		Miscellaneous Incoming Letter	1	1
		Change of Address	2	2
		Petition for review by the Office of Petitions.	3	4
fee-info.pdf	2	Fee Worksheet (PTO-06)	8333 bytes	◆ PASS

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

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National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

If you need help:

- *Call the Patent Electronic Business Center at (866) 217-9197 (toll free) or e-mail EBC@uspto.gov for specific questions about Patent e-Filing.*
- *Send general questions about USPTO programs to the [USPTO Contact Center \(UCC\)](#).*
- *If you experience technical difficulties or problems with this application, please report them via e-mail to [Electronic Business Support](#) or call 1 800-786-9199.*

TRANSMITTAL LETTER		Docket No. C0003/7032
Applicant:	BERGER et al.	COPY
Serial No:	09/857,698	
Filed:	November 9, 2001	
For:	DISPLAY DEVICES	
Examiner:	Roy Sikha	
Art Unit:	2879	

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Enclosures

- | | |
|---|---|
| <input type="checkbox"/> Affidavit under 37 C.F.R. 1.131 | <input type="checkbox"/> Request for Corrected Filing Receipt |
| <input type="checkbox"/> Assignment Papers | <input type="checkbox"/> Copy of Original Filing Receipt |
| <input type="checkbox"/> Change of Correspondence Address | <input type="checkbox"/> Request for Continued Examination |
| <input type="checkbox"/> Declaration/Power of Attorney | <input type="checkbox"/> Request for Reconsideration |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Request for Refund |
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Response to Missing Parts |
| <input type="checkbox"/> Invention Disclosure Document | <input type="checkbox"/> Return Receipt Postcard |
| <input type="checkbox"/> Notice of Appeal | <input type="checkbox"/> Sheets Formal Drawing(s) |
| <input type="checkbox"/> Petition for | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Power of Attorney Form | <input type="checkbox"/> Terminal Disclaimer |
| <input checked="" type="checkbox"/> Change of Address | <input checked="" type="checkbox"/> Petition for Revival of Unintentionally
Abandoned Patent Application under
37 CFR §1.137(b) |

/Therese A. Hendricks/

Date: 2007-04-13

Therese A. Hendricks, Esq., Reg. No. 30,389
Rissman Jobse Hendricks & Oliverio, LLP
Customer Number 021127
Tel: (617) 367-4600 Fax: (617) 367-4656

**PETITION FOR REVIVAL OF AN UNINTENTIONALLY
ABANDONED PATENT APPLICATION 37C.F.R. §1.137(b)**

Docket No. C0003/7032

Applicant: BERGER et al.
Serial No: 09/857,698
Filed: November 9, 2001
For: DISPLAY DEVICES
Examiner: Ray Sikha
Art Unit: 2879

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Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

1. Petition fee

- ☐ Small entity-fee **\$750.00**. Applicant claims small entity status. See 37 C.F.R. §1.27.
☒ Other than small entity – fee **\$1,500.00** (37 C.F.R. §1.17(m))

2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action in the form of :
☐ has been filed previously on
☐ is enclosed herewith.
- B. The issue fee of and publication fee (if applicable) of \$1,400.00:
☐ has been filed previously on
☒ is enclosed herewith.

3. Terminal Disclaimer

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of **\$65.00** for a small entity or **\$130.00** (for other than a small entity) disclaiming the required period of time is enclosed herewith.

4. Statement

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

☐ Additional sheets are enclosed containing statements establishing unintentional delay

Fee Calculation

Petition fee (37 CFR 1.17(m))	\$1,500.00
Terminal Disclaimer Fee	\$0.00
Issue Fee (if applicable)	\$1,400.00
Reduction by one-half for small entity	\$ 0.00
TOTAL Fee Due	\$2,900.00

Payment

- ☐ Enclosed is a check in the amount of the total fee due.
- ☒ The Commissioner is authorized to charge the total fee due to deposit account 02-3038.
- ☒ The Commissioner is hereby authorized to charge any other fees under 37 C.F.R. §1.16 and §1.17 that may be required, or credit any overpayment, to Deposit Account No. 02-3038. A duplicate of this sheet is attached.

Respectfully submitted,

/Therese A. Hendricks/

Date: 2007-04-13

Therese A. Hendricks, Esq., Reg. No. 30,389
KUDIRKA & JOBSE, LLP
Customer Number 021127
Tel: (617) 367-4600 Fax: (617) 367-4656

CHANGE OF CORRESPONDENCE ADDRESS	Docket No. C0003/7032
Applicant: BERGER et al. Serial No: 09/857,698 Filed: November 9, 2001 For: DISPLAY DEVICES Examiner: Ray Sikha Art Unit: 2879	COPY

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Please change the correspondence address for the above-identified application to the address of customer number

21127

Respectfully submitted,

/Therese A. Hendricks/

Date: 2007-04-13

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